

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2011-142899-001 DT

10/31/2012

HONORABLE BRUCE R. COHEN

CLERK OF THE COURT
T. Gatz/M. Aldham
Deputy

STATE OF ARIZONA

KEVIN KIYOSHI OKANO

v.

GABRIEL JOHN SANCHEZ (001)

JUSTIN BERESKY

APO-PLEAS-CCC

**TRIAL MINUTE ENTRY
DAY FIVE**

Courtroom 6B SCT

State's Attorney:	Kevin Okano
Defendant's Attorney:	Justin Beresky
Defendant:	Present

11:01 a.m. Trial to Jury continues from October 30, 2012. Let the Record Reflect that the jury is all present in the jury room and resume their deliberations from October 30, 2012.

11:27 a.m. Court reconvenes with respective counsel, Defendant is present. The jury is not present.

Court Reporter, Gail Ferguson, is present.

A record of the proceeding is also made by audio and/or videotape.

Discussion is held.

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11:29 a.m. The jury is all present in the jury box and by their Foreperson return into Court their verdict, which is read and recorded by the Clerk and is as follows:

“We, the Jury, duly empanelled and sworn in the above-entitled action, upon our oaths, do find the Defendant, Gabriel John Sanchez, as to **Count 1: ATTEMPT TO COMMIT ARMED ROBBERY,**

NOT GUILTY

Foreperson”

“We, the Jury, duly empanelled and sworn in the above-entitled action, upon our oaths, do find the Defendant, Gabriel John Sanchez, as to **Count 2: ATTEMPT TO COMMIT ARMED ROBBERY,**

NOT GUILTY

Foreperson”

“We, the Jury, duly empanelled and sworn in the above-entitled action, upon our oaths, do find the Defendant, Gabriel John Sanchez, as to **Count 3: MISCONDUCT INVOLVING WEAPONS,**

GUILTY

Foreperson”

“We, the Jury, duly empanelled and sworn in the above-entitled action, upon our oaths, do find the Defendant, Gabriel John Sanchez, as to **Count 4: AGGRAVATED ASSAULT,**

GUILTY

Foreperson”

“We, the Jury, duly empanelled and sworn in the above-entitled action, upon our oaths, do find the Defendant, Gabriel John Sanchez, as to **Count 5: AGGRAVATED ASSAULT,**

GUILTY

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Foreperson”

The jurors reply that these are their true verdicts.

The jury is polled at the request of counsel for the Defendant. Each juror replies that these are his/her true verdict.

FILED: Verdicts

Aggravation Phase:

Instructions are read to the jury.

The County Attorney addresses the jury and Defense counsel declines.

11:48 a.m. The jury retires in charge of sworn bailiffs to consider their verdicts. The Court and counsel remain in session.

Discussion is held.

IT IS ORDERED setting time for Sentencing on December 4, 2012 at 8:30 a.m. in this Division.

The Defendant has two other pending trials both of which are set for Status Conference before Judge McCoy on November 1, 2012. It is recognized that the processing of those two matters may impact the timing of the Sentencing in this matter. It is therefore understood that the Sentencing date set herein and above may be continued if appropriate.

IT IS FURTHER ORDERED that the Adult Probation Office shall conduct a presentence investigation and submit a report to this division prior to sentencing.

ISSUED: Request for Presentence Report.

IT IS ORDERED pursuant to Rule 7.2 Defendant shall not be released on bail or own recognizance.

ISSUED: Order of Confinement

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11:54 a.m. The court stands at recess.

12:08 p.m. Court reconvenes with respective counsel, Defendant is present.

Court Reporter, Gail Ferguson, is present.

A record of the proceeding is also made by audio and/or videotape.

“We, the Jury, duly empanelled and sworn in the above-entitled action, upon our oaths, unanimously find beyond a reasonable doubt as to **Count 4: AGGRAVATED ASSAULT** the aggravating circumstances alleged as follows.

1. The offense charged in this count is a dangerous offense because the offense involved the discharge, use, or threatening exhibition of a deadly weapon:

NOT PROVEN

Foreperson”

“We, the Jury, duly empanelled and sworn in the above-entitled action, upon our oaths, unanimously find beyond a reasonable doubt as to **Count 5: AGGRAVATED ASSAULT** the aggravating circumstances alleged as follows.

1. The offense charged in this count is a dangerous offense because the offense involved the discharge, use, or threatening exhibition of a deadly weapon:

NOT PROVEN

Foreperson”

The jurors reply that these are their true verdicts.

The jury is thanked by the Court and excused from further consideration of this cause.

12:11 p.m. The jury leaves the courtroom; Court and counsel remain in session.

Discussion is held.

Pursuant to the verdict entered, and there being no further need to retain the exhibits not offered in evidence in the custody of the Clerk of the Court,

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IT IS ORDERED that the Clerk permanently release all exhibits not offered in evidence to the counsel/party causing them to be marked, or to their written designee.

IT IS FURTHER ORDERED that counsel/party or written designee take immediate possession of all exhibits referenced above.

ISSUED: Exhibit/Record Release Form

FILED: Trial Worksheet and Exhibit Worksheet

12:15 p.m. Matter concludes.

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>. Attorneys are encouraged to review Supreme Court Administrative Order 2011-140 to determine their mandatory participation in eFiling through AZTurboCourt.